



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Utah State Office
440 West 200 South, Suite 500
Salt Lake City, UT 84101
<http://www.blm.gov/ut/st/en.html>



IN REPLY REFER TO:
3100/(UT-922000)

February 15, 2013

CERTIFIED MAIL – 7011 1150 0000 6739 7002
Return Receipt Requested

DECISION

Lisa Carter	:	Protest to the February 19, 2013
P.O. Box 477	:	Competitive Oil and Gas Lease Sale
Moab, Utah 84532	:	

Protest Dismissed

On November 16, 2012, the Bureau of Land Management (BLM) issued its Notice of Competitive Lease Sale (NCLS) providing notice to the public that certain parcels of land would be offered in a competitive oil and gas lease sale scheduled for February 19, 2013. In a letter received by the BLM on December 17, 2012, you protested all of the parcels listed in the NCLS.

You express concern over oil, gas and mineral lease and sales on the public lands and maintain that the BLM's environmental review process is inadequate. You allege that fracking is a detrimental process. You suggest that another approach to public land leasing is necessary.

For the reasons set forth below, I have determined that the BLM complied with the requirements of the National Environmental Policy Act and other applicable Federal laws and regulations prior to the inclusion of the subject parcels in the February 19, 2013, lease sale. Consequently, your protest as it pertains to the proposed list of parcels is dismissed.

The BLM specifically discusses hydraulic fracturing in the environmental assessment at section 1.8.3. Your protest fails to provide specific facts or information to show how your allegations apply to specific protested parcels. It is well established that the BLM properly dismisses a protest where the protestant makes only conclusory or vague allegations or the protestant's allegations are unsupported by facts in the record or competent evidence. The BLM is under no obligation to sort through a protestant's list of alleged errors and attempt to discern which alleged errors the protestant intended to invoke for a particular parcel. Such an unduly burdensome and inefficient process would unreasonably divert the time and resources that the BLM otherwise needs to manage the public lands as mandated by Congress.

For the BLM to have a reasonable basis to consider future protests, you must identify the specific ground for protest and explain how it applies to each protested parcel. Any allegations of error based on fact must be supported by competent evidence. Further, you must consider whether any lease stipulations or notices that apply to a particular parcel may be relevant to your allegations, and explain how such stipulations or notices do not obviate the allegations. Failure to comply with any of the foregoing may result in the summary dismissal of the protest.

As the party challenging the BLM's inclusion of certain parcels in the February 19, 2013 lease sale, you bear the burden of establishing that the BLM's action was premised on a clear error of law or material fact, or that BLM failed to consider a substantial environmental question of material significance. You have not met this burden. To the extent that you have raised any allegations not specifically discussed herein, they have been considered and are found to be without merit. For these reasons, and for those previously discussed, your protest is dismissed.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 C.F.R. Part 4 and Form 1842-1 (Enclosure 1). If an appeal is taken, the notice of appeal must be filed in this office (at the address shown on the enclosed Form) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition for a stay pursuant to 43 C.F.R. Part 4, Subpart B § 4.21, during the time that your appeal is being reviewed by the Board, the petition must show sufficient justification based on the standards listed below. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall be evaluated based on the following standards:

1. The relative harm to the parties if the stay is granted or denied;
2. The likelihood of the appellant's success on the merits;
3. The likelihood of immediate and irreparable harm if the stay is not granted; and
4. Whether the public interest favors granting the stay.

Copies of the notice of appeal, petition for stay, and statement of reasons also must be submitted to the Office of the Regional Solicitor, Intermountain Region, 125 South State Street, Suite 6201, Salt Lake City, Utah 84138, at the same time the original documents are filed in this office.

If you have any further questions, please contact Pam Schuller of this office at (801) 539-4050.

/s/ Jenna Whitlock
Juan Palma
State Director

Enclosure:

1. Form 1842-1

cc: James Karkut, Office of the Solicitor, Intermountain Region,
125 South State Street, Suite 6201, Salt Lake City, UT 84138

Enclosure 1
Form 1842-1

